

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/551,650 Confirmation No. : 3638
First Named
Inventor : Roland EBERL, *et al.*
Filed : October 7, 2000 (PCT/EP00/09843)
TC/A.U. : Not Yet Known
Examiner : Not Yet Known
Docket No. : 105743.56304US
Customer No. : 23911

Title : Information System

PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of PCT Legal Administration

Sir:

This petition is filed along with a response to the notification of missing requirements dated May 4, 2009. An extension of the deadline for response to the notification is respectfully requested pursuant to 37 C.F.R. § 1.136(a), and the appropriate fee is submitted herewith.

Acceptance of this application pursuant to 37 C.F.R. § 1.47(a) is respectfully requested. The \$200.00 fee required pursuant to 37 C.F.R. § 1.17(g) is being paid by credit card. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No.: 105743.56304US).

Attached to this petition as Exhibit I is a copy of a German language letter dated September 10, 2009, signed by Matthias Mayer, the estate curator of Roland H. Eberl, who is the deceased inventor named in the present U.S. Patent

application, and an English language translation of that German language letter.

Attached to this petition as Exhibit II is are copies of two Declarations and Powers of Attorney, executed by Heinrich A. Eberl, David Dickerson, and Dr. Karsten Königstein, and an Accompanying Sheet to those Declarations and Powers of Attorney.

From the third paragraph in the German language letter and the corresponding paragraph of the English language translation in Exhibit I, and from the seventh, eighth, and ninth paragraphs in the Accompanying Sheet included in Exhibit II, it is evident that Matthias Mayer, as the legal representative of the deceased inventor, refused, and refuses, to make application.

The last known address of Matthias Mayer, the legal representative of the deceased inventor, is set forth in the sixth paragraph in the Accompanying Sheet included in Exhibit II.

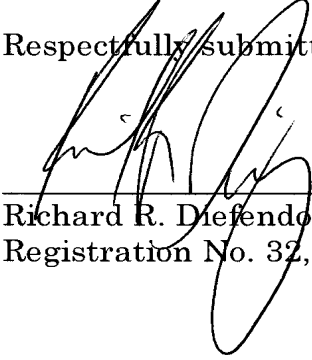
Treatment of the Declaration and Power of Attorney copies included in Exhibit II as being signed on behalf of Matthias Mayer as the legal representative of Roland H. Eberl should be in order pursuant, for example, to MPEP 409.03(a)(A).

If there are any questions regarding this petition or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Again, please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 105743.56304US).

Respectfully submitted,

October 5, 2009



Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
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RRD:rd

EXHIBIT I

RA Mayer

+49 8861 9387375

18.09.2009-19:22

0001

Rechtsanwalt
Matthias Mayer

80333 München
Löwengrube 12
Telefon 089 599 89 44 0
Telefax 089 599 89 44 1

RA Matthias Mayer, Löwengrube 12, 80333 München

Herrn
David Dickerson

10.09.2009

→ DN

per Fax: 089 2121 8670

MEISSNER, BOLTE & PARTNER		ZE	PU	NA
		BU	SJ	SH
EING.: 11. Sep. 2009		TX	BO	PT
		CF	BO	SH
WV		LN	RU	TR
LT		SU	HZ	NN

Ihr Zeichen: M/MTO-007-PC/US – Ihr Fax v. 10.09.2009

Bei mir vormals: Nachlasspflegschaft EBERL Roland, gestorben am 15.11.2007

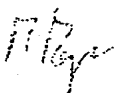
Sehr geehrter Herr Dickerson,

in vorbezeichneter Angelegenheit nehme ich Bezug auf Ihr o.g. Schreiben.

Die Pflegschaft wurde mangels Aktiva inzwischen bereits wieder aufgehoben - laut Übertragungserklärung hatte der Erblasser seinerzeit alle Rechte auf die gegenständliche Erfindung abgetreten.

Meinerseits können keinerlei Erklärungen abgegeben werden.

Mit freundlichen Grüßen



Rechtsanwalt

Anderkonto: Hausbank München - Konto Nr. 132 79 33, BLZ 700 901 00

10.09.2009 19:23 +49 8061 9387375

empfangen

Matthias Mayer
Attorney at Law

80333 Munich
Löwengrube 12
Tel: 089 599 89 44 0
Fax: 089 599 89 44 1

Matthias Mayer, attorney, Löwengrube 12, 80333 Munich

September 10th, 2009

Mr.
David Dickerson

Via fax: 089 2121 8670

Your Ref: M/MTO-007-PC/US – your fax of September 10th, 2009
my previous [reference]: estate curatorship EBERL Roland Hubert Claudius, deceased on
November 15th, 2007

Dear Mr. Dickerson,

With regard to the above-referenced matter, I refer to your aforementioned letter.

The curatorship has, in the meantime, already been closed again for lack of assets. According to the assignment [provided to me], the deceased assigned all rights to the subject invention while still alive.

From my side, no declarations whatsoever can be made.

Sincerely,

attorney at law

EXHIBIT II

DECLARATION AND POWER OF ATTORNEY

(For Use with Application Data Sheet)

Title Of Invention:

Information System

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ PCT International Application No. PCT/EP00/09843, filed October 7th, 2000.
☐ Application No. _____, filed _____ as amended on _____ (if applicable);

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable;

I/we hereby appoint the practitioners at **CROWELL & MORING LLP**, whose Customer Number is:

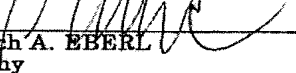
23911


as my/our attorneys to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith; and

All statements made herein of my/our own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) of INVENTOR(S)

Signature: _____ Date: _____
 Inventor one: Roland H. EBERL **
 Citizen of: Germany
 Last resident at: Brodwastweg 6, 82061 München-Neuried, Germany

Signature:  Date: Oct 5th, 2009
 Inventor two: Heinrich A. EBERL
 Citizen of: Germany
 Resident at: Hochvogelweg 3, 87463 Probstried, Germany

Signature:  Date: Sept. 19th, 2009
 Inventor three: David DICKERSON **
 Citizen of: United States
 Resident at: Gartenstrasse 51, 85354 Freising, Germany

Signature: _____ Date: _____
 Inventor three: Dr. Karsten KÖNIGSTEIN
 Citizen of: Germany
 Resident at: Münchner Str. 13A, 82229 Seefeld, Germany

Signature: _____ Date: _____
 Signatory: Matthias MAYER *
 Citizen of: Germany
 Resident of: Munich, Germany (to the best of the other signatories' knowledge)
 Place of business: Löwengrube 12, 80333 Munich, Germany

* Signing on behalf of Roland H. Eberl, deceased, as Mr. Eberl's legal representative

** Signing as inventor and on behalf of Roland H. Eberl, deceased, in lieu of Mr. Matthias Mayer, who refused to sign this declaration (see accompanying sheet).

DECLARATION AND POWER OF ATTORNEY

(For Use with Application Data Sheet)

Title Of Invention:	Information System
---------------------	--------------------

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ PCT International Application No. PCT/EP00/09843, filed October 7th, 2000.
☐ Application No. _____, filed _____ as amended on _____ (if applicable);

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable;

I/we hereby appoint the practitioners at **CROWELL & MORING LLP**, whose Customer Number is:

23911

as my/our attorneys to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith; and

All statements made herein of my/our own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) of INVENTOR(S)

Signature: _____ Date: _____
 Inventor one: Roland H. EBERL **
 Citizen of: Germany
 Last resident at: Brodwastlweg 6, 82061 München-Neuried, Germany

Signature: _____ Date: _____
 Inventor two: Heinrich A. EBERL
 Citizen of: Germany
 Resident at: Hochvogelweg 3, 87463 Probstried, Germany

Signature: D. DICKERSON Date: Sept. 14th, 2005
 Inventor three: David DICKERSON **
 Citizen of: United States
 Resident at: Gartenstrasse 51, 85354 Freising, Germany

Signature: K. Karsten Date: Sept. 30th, 2005
 Inventor three: Dr. Karsten KONIGSTEIN
 Citizen of: Germany
 Resident at: Münchner Str. 13A, 82229 Seefeld, Germany

Signature: _____ Date: _____
 Signatory: Matthias MAYER *
 Citizen of: Germany
 Resident of: Munich, Germany (to the best of the other signatories' knowledge)
 Place of business: Löwengrube 12, 80333 Munich, Germany

* Signing on behalf of Roland H. Eberl, deceased, as Mr. Eberl's legal representative

** Signing as inventor and on behalf of Roland H. Eberl, deceased, in lieu of Mr. Matthias Mayer, who refused to sign this declaration (see accompanying sheet).

Accompanying Sheet

to the Declaration directed to
PCT International Application
PCT/EP00/09843

executed by

David DICKERSON on September 14th, 2009
on behalf of Roland H. EBERL, deceased, and
in lieu of Mr. Matthias Mayer, Mr. Roland Eberl's legal representative

To my great sadness, joint inventor Roland H.C. EBERL passed away on November 15th, 2007. By virtue of Mr. Roland Eberl's assignment of this application to me on June 13th, 2005, I believe to have sufficient interest in this application to execute the subject declaration on behalf of Mr. Roland Eberl notwithstanding execution by his legal representative who, however, refuses to sign.

Mr. Roland Eberl was a citizen of Germany. To the best of my knowledge, he was last resident in Germany at Brodwastlweg 6, 82061 München-Neuried.

Joint inventor Mr. Heinrich Eberl is likewise a citizen of Germany and is, to the best of my knowledge, resident in Germany at Hochvogelweg 3, 87463 Probstried.

Joint inventor Dr. Karsten Königstein is likewise a citizen of Germany and is, to the best of my knowledge, resident in Germany at Münchner Str. 13A, 82229 Seefeld.

I, David Dickerson, am a US citizen and am currently resident in Germany at Gartenstrasse 51, 85354 Freising.

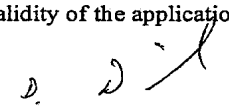
To the best of my knowledge, the curatorship of Mr. Roland Eberl's estate was entrusted to Mr. Matthias Mayer, attorney at law, in the period from March 18th, 2008 to November 4th, 2008. Likewise to the best of my knowledge, Mr. Mayer is a citizen of Germany, resident in Munich, Germany. He has his place of business at Löwengrube 12, 80333 Munich, Germany.

I have had contact with Mr. Mayer on various occasions since October 2008 with regard to the declaration for related PCT application PCT/EP01/11634.

On September 10th, 2009, I wrote to Mr. Mayer in my capacity as the legal representative of metaio GmbH, the current assignee of the subject application, requesting that he sign the necessary declaration for the subject application. Such a declaration was enclosed, together with other documents proving Roland Eberl's inventorship. Although the letter did not include a copy of the application, it included an offer that Mr. Mayer be provided with a copy of the application at no cost, should he so desire.

In response to my aforementioned letter of September 10th, 2009 that was sent both by fax and as a confirmation copy by regular mail, Mr. Mayer sent me the accompanying letter dated September 10th, 2009.

All statements made herein of my own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.



David Dickerson, September 14th, 2009